

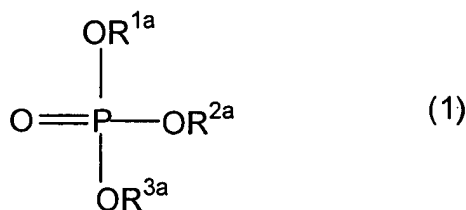
**Amendments to and Listing of the Claims:**

Claims (1) to (16) (Cancelled).

17. (Previously presented) A non-aqueous electrolyte secondary battery comprising a chargeable and dischargeable positive electrode, a non-aqueous electrolyte containing a lithium salt, and a chargeable and dischargeable negative electrode,

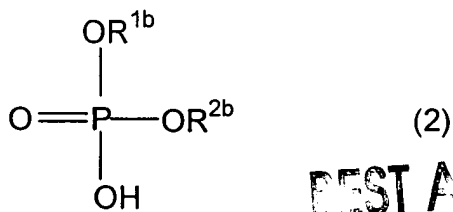
wherein at least one of the positive electrode, the non-aqueous electrolyte, and the negative electrode contains a mixture of two or three phosphates selected from the group consisting of:

a phosphate represented by formula (1):



wherein R<sup>1a</sup>, R<sup>2a</sup>, and R<sup>3a</sup> are independently selected from an aliphatic hydrocarbon group having seven to twelve carbon atoms;

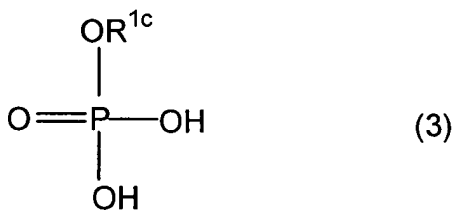
a phosphate represented by formula (2):



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wherein R<sup>1b</sup> and R<sup>2b</sup> are independently selected from an aliphatic hydrocarbon group having one to twelve carbon atoms or an aromatic hydrocarbon group; and

a phosphate represented by formula (3):



wherein  $R^{1c}$  represents an aliphatic hydrocarbon group having one to twelve carbon atoms or an aromatic hydrocarbon group,

wherein the hydrocarbon  $R^{1a}$ ,  $R^{2a}$ ,  $R^{3a}$ ,  $R^{1b}$ ,  $R^{2b}$  and  $R^{1c}$  in the formulae (1), (2) and (3) have the same number of carbon atoms in the mixture and each phosphate in the mixture comprises not less than 30 volume % based on a total volume of the mixture.

18. (Previously presented) The battery of claim 17, wherein one of the two or three phosphates of the mixture is selected from the group consisting of dibutyl phosphate, dipentyl phosphate, dihexyl phosphate, diheptyl phosphate, dioctyl phosphate, dinonyl phosphate, didecyl phosphate, diundecyl phosphate, didodecyl phosphate, monobutyl phosphate, monopentyl phosphate, monohexyl phosphate, monoheptyl phosphate, monooctyl phosphate, monononyl phosphate, monodecyl phosphate, monoundecyl phosphate, and monododecyl phosphate.

19. (Previously presented) The battery of claim 17, wherein the non-aqueous electrolyte contains 0.1 to 20 wt% of the phosphate mixture.

20. (Previously presented) The battery of claim 17, wherein the chargeable and dischargeable positive electrode contains at least one selected from the group consisting of  $LiCoO_2$ ,  $LiMn_2O_4$ ,  $LiNiO_2$  and  $LiFeO_2$ , and the chargeable and dischargeable negative electrode contains at least one selected from the group consisting of a carbon material, a metallic lithium, a lithium alloy, and a compound containing lithium.

21. (Previously presented) The battery of claim 17, wherein the mixture of two or three phosphates comprises a phosphate of formula (1) wherein  $R^{1a}$ ,  $R^{2a}$ , and  $R^{3a}$  are the same.

22. (Previously presented) The battery of claim 17, wherein the mixture of two or three phosphates comprises a phosphate of formula (2), wherein  $R^{1b}$  and  $R^{2b}$  are the same.

23. (Previously presented) A method for producing a non-aqueous electrolyte secondary battery comprising:

preparing an electrode mixture comprising an active material, a conductive agent, and a binder,

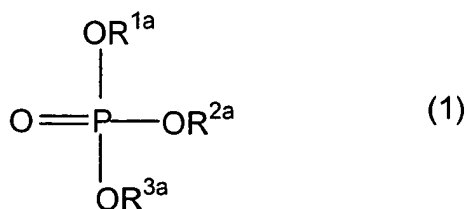
applying the electrode mixture on a current collector plate to prepare an electrode,

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assembling a non-aqueous electrolyte secondary battery using the electrode and a non-aqueous electrolyte and,

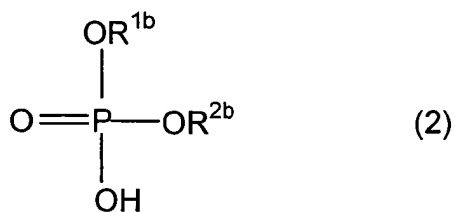
adding to at least one of the active material, the electrode mixture, and the electrode a mixture of two or three phosphates selected from the group consisting of:

a phosphate represented by formula (1):



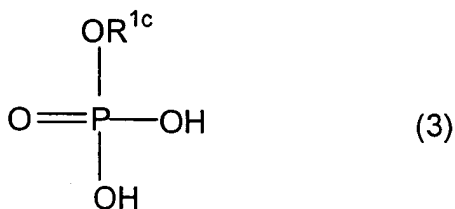
wherein  $\text{R}^{1a}$ ,  $\text{R}^{2a}$ , and  $\text{R}^{3a}$  independently represent an aliphatic hydrocarbon group having seven to twelve carbon atoms,

a phosphate represented by formula (2):



wherein  $\text{R}^{1b}$  and  $\text{R}^{2b}$  independently represent an aliphatic hydrocarbon group having one to twelve carbon atoms or an aromatic hydrocarbon group; and

a phosphate represented by formula (3):



wherein  $\text{R}^{1c}$  represents an aliphatic hydrocarbon group having one to twelve carbon atoms or an aromatic hydrocarbon group,

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wherein  $R^{1a}$ ,  $R^{2a}$ ,  $R^{3a}$ ,  $R^{1b}$ ,  $R^{2b}$  and  $R^{1c}$  in said formulae (1), (2), and (3) have the same number of carbon atoms in the mixture and each phosphate in the mixture comprises not less than 30 volume % based on a total volume of the mixture.

24. (Cancelled)

25. (Cancelled)

26. (Previously presented) The battery of claim 22, wherein the chargeable and dischargeable positive electrode contains at least one selected from the group consisting of  $\text{LiCoO}_2$ ,  $\text{LiMn}_2\text{O}_4$ ,  $\text{LiNiO}_2$ , and  $\text{LiFeO}_2$ , and the chargeable and dischargeable negative electrode contains at least one selected from the group consisting of a carbon material, a metallic lithium, a lithium alloy and a compound containing lithium.

27. (Cancelled)

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